CUSTOMER NO.: 24498
Serial No. 10/527,956
Office Action dated April 12, 2010
Response dated June 4, 2010

PATENT
PU020426

<u>Remarks/Arguments</u>

In the Office Action dated April 12, 2010, it is noted that claims 1-16 and 18-28 are pending in this application and that claims 1-16 and 18-28 stand rejected under 35 U.S.C. §102. Claim 17 was previously cancelled without prejudice. No new matter has been added.

The Applicants submit that, in view of the following discussion, none of the Applicants' claims are anticipated under the provisions of 35 U.S.C. §102 and that all the claims pending in this patent application are in condition for allowance.

35 U.S.C. §102

Claims 1-16, and 18-28, stand rejected under 35 U.S.C. §102(e) as being anticipated by Fukami et al. (U.S. Publication No. 2002/0080971, hereinafter referred to as "Fukami"). The rejection is respectfully traversed.

It is respectfully asserted that Fukami fails to disclose each and every step of the Applicants' claims arranged as in the Applicants' claims as required for anticipation, and that Fukami fails to teach or anticipate at least the steps of:

"identifying an end point of at least one of said plurality of program segments by counting a number of data packets that are decoded for playback,"

as described in claim 1, and:

"broadcasting one or more earlier ones of said plurality of segments, that chronologically are intended to precede later segments in said program, more frequently than said later segments,"

as described in claim 14.

Fukami teaches a reception apparatus that includes, "a reception unit for receiving the scrambled content, the scrambled content being scrambled so that a predetermined unit of scrambled content is descrambled using a descrambling key corresponding to the predetermined unit of scrambled content, and at least one piece of

7

storage information in which a list including all descrambling keys used for descrambling the scrambled content is embedded; storage unit for storing the received scrambled content and the storage information; list extraction unit for extracting the list from the stored storage information; descramble processing unit for extracting the predetermined unit of scrambled content from the stored scrambled content, extracting a descrambling key corresponding to the predetermined unit of scrambled content from the extracted list, and descrambling the extracted predetermined unit of scrambled content using the extracted descrambling key; and reproduction unit for reproducing the predetermined unit of descrambled content in the descrambled order."

(Fukami Abstract)

The Office Action cites Fukami, paragraphs 0294-0295, as demonstrating a step of, "identifying an end point of at least one of said plurality of program segments by counting a number of data packets that are decoded for playback." (Office Action, page 2). However, it is respectfully asserted that the cited paragraphs do not discuss counting data packets or identifying an endpoint of a program segment. Instead, the paragraphs describe the use of a four-bit cyclic counter "to determine if any TS packets with the same packet ID are abandoned partway." (Fukami, 0295) The described four-bit counter can hold values from zero to fifteen, and thus would be unable to server as a counter for any program segment of significant length. Furthermore, no determination of an end point or comparison to an overall packet count for a program segment is described. Additionally, division of a program into program segments, as they are defined in the present application, is not described in Fukami. Thus, Fukami fails to disclose the step of "identifying an end point of at least one of said plurality of program segments by counting a number of data packets that are decoded for playback," as described in claim 1.

With regard to Claim 14, the Office Action cites paragraphs 0027-0028 and 0043 as demonstrating the step of, "broadcasting one or more earlier ones of said plurality of segments, that chronologically are intended to precede later segments in program, more frequently than later segments." (Office Action, page 5) It is respectfully asserted, however, that none of the cited paragraphs describes more frequent broadcast of chronologically earlier segments, or the repeated broadcast of program

8

segments at all. Instead, Fukami merely explains that the, "reception unit <u>sequentially</u> <u>receives</u> a transport stream (TS) packet..." (Fukami, 0020 and also 0027, emphasis added) Thus, Fukami fails to disclose the step of "broadcasting one or more earlier ones of said plurality of segments, that chronologically are intended to precede later segments in said program, more frequently than said later segments," as described in claim 14.

In view of the above Remarks, it is respectfully submitted there is no 35 USC 112 enabling disclosure provided by Fukami that makes the present invention as claimed in claims 1 or 14 unpatentable. It is further submitted that independent claims 16 and 23 are allowable for at least the same reasons that claims 1 and 14 are allowable. Since dependent claims 2-13, 15, 18-22, and 24-28, are dependent from allowable independent claims 1, 14, 16, and 23, it is respectfully submitted that they too are allowable for at least the same reasons that their respective independent claims are allowable. Thus, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's representative at (609) 734-6445, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Conclusion

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Entry of this amendment, reconsideration, and allowance of all the claims are respectfully solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner contact the Applicants' attorney, so that a mutually convenient date and time for a telephonic interview may be scheduled for resolving such issues as expeditiously as possible.

9

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It is believed that there is no fee with regard to the submission of this response. However, if there is a fee, please charge the fee, and/or credit any overpayment, to Deposit Account No. 07-0832.

Respectfully submitted,

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10